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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/715,717	11/16/2000	Urban Hedeas	34650-00666USPT	6634

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EXAMINER

DAVIS, CYNTHIA L

ART UNIT	PAPER NUMBER
2665	

DATE MAILED: 04/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

42

Office Action Summary**Application No.**

09/715,717

Applicant(s)

HEDEAS, URBAN

Examiner

Cynthia L Davis

Art Unit

2665

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/23/2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 29-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 29-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

1. Claims rejected 29, 31-33, 36-39, 41-43, and 46-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Verma.

Regarding claim 29, a short range wireless system comprising: an access unit having a first coverage area for establishing an initial connection with the wireless mobile terminal is disclosed in Verma, column 5, line 62-column 6, line 2, and figure 4, element 240. A payment extraction unit having a second coverage area, wherein the initial connection is transferred from the access unit to the payment extraction unit as the wireless mobile terminal moves from the first coverage area into the second coverage area is disclosed in Verma, column 6, lines 10-18, and figure 4, element 230. Extracting payment from an account associated with the wireless mobile terminal and obtaining payment data from the wireless mobile terminal is missing from Verma. However, Verma does disclose in column 6, lines 28-29, getting call information from the mobile terminal. Extracting payment from the account is a statement of intended use, not a further limitation of the claim. The system of Verma is capable of extracting account information from the mobile terminal in the same manner it extracts call information (see Verma, column 10, line 41-44). The recitation of a new intended use for an old product does not make a claim to that old product patentable. In re Schreiber, 44 USPQ2d 1429 (Fed. Cir. 1997).

Regarding claim 39, utilizing a short range terminal wireless system for connecting to the wireless mobile terminal, and establishing an initial connection between an access unit and the wireless mobile terminal in a first coverage area is disclosed in Verma, column 5, line 62-column 6, line 2, and figure 4, element 240. Transferring the initial connection from the access unit to a payment extraction unit having a second coverage area as the wireless mobile terminal moves from the first coverage area into the second coverage area is disclosed in Verma, column 6, lines 10-18, and figure 4, element 230. The payment extraction unit obtaining payment data from the wireless mobile terminal, and extracting payment from an account associated with the wireless mobile terminal is missing from Verma. However, Verma does disclose in column 6, lines 28-29, getting call information from the mobile terminal. Extracting payment from the account is a statement of intended use, not a further limitation of the claim. The system of Verma is capable of extracting account information from the mobile terminal in the same manner it extracts call information (see Verma, column 10, line 41-44). The recitation of a new intended use for an old product does not make a claim to that old product patentable. In re Schreiber, 44 USPQ2d 1429 (Fed. Cir. 1997).

Regarding claims 31 and 41, the payment extraction unit is one of a plurality of payment extraction units wherein each payment extraction unit maintains a coverage area that will accept a transfer of the initial connection from the first coverage area is disclosed in Verma, figure 4, element 230, and column 11, lines 17-18 (there may be more tunnel initiators; they would all behave in the same manner).

Regarding claims 32 and 42, the access unit and the payment extraction unit both utilize Bluetooth communications protocol is missing from Verma. However, Arazi discloses in column 2, line 35, a mobile communications system using the Bluetooth protocol. It would have been obvious to one skilled in the art at the time of the invention to use Bluetooth in the system of Verma. The motivation would be to use a standard, recognized protocol.

Regarding claims 33 and 43, a central server for transferring the wireless mobile terminal's initial connection between the first coverage area and the second coverage area, wherein the central server comprises: a database for storing information received from the access unit, the payment extraction unit and an intermediate unit, wherein the information received from the access unit includes, an address of the wireless mobile terminal, a clock offset and a frequency hop scheme; and means for connecting to and controlling the access unit and the payment extraction unit is disclosed in figure 4, element 280 and column 10, lines 34-44 of Verma. An intermediate unit having a third coverage area is disclosed in Verma, column 10, lines 20-28 (the mobile unit may move to an area covered by another access point).

Regarding claims 36 and 46, a connection establishment period between the payment extraction unit and the wireless mobile terminal is shortened by transferring the initial connection to the payment extraction unit and the time required for retrieving the payment data is minimized is disclosed in column 5, lines 54 of Verma (the method of Verma is efficient, implying that transfer times in the system are minimized).

Regarding claims 37 and 47, the payment data comprises verification data of a transportation system ticket is not specifically disclosed in Verma. However, the payment data being verification of a transportation system ticket is a statement of intended use, not a further limitation of the claim. The system of Verma is capable of extracting transportation system ticket verification from the mobile terminal in the same manner it extracts call information (see Verma, column 10, line 41-44). The recitation of a new intended use for an old product does not make a claim to that old product patentable. In re Schreiber, 44 USPQ2d 1429 (Fed. Cir. 1997).

Regarding claims 38 and 48, the payment data comprises identification data of a user of the mobile terminal is disclosed in Verma, column 10, lines 34-44 (the call information would contain identification data for the mobile terminal).

2. Claims rejected 30, 34, 35, 40, 44, and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Verma in view of Arazi.

Regarding claims 30 and 40, the first coverage area is larger than the second coverage area is missing from Verma. However, Arazi discloses in figure 1, and column 6, lines 47-52, a mobile station connecting to larger and smaller coverage areas. It would have been obvious to one skilled in the art at the time of the invention to make the first coverage area larger than the second. The motivation would be to allow the mobile station to connect to different types of access points.

Regarding claims 34 and 44, sending notification to the payment extraction unit from the control server when the wireless mobile terminal initial connection is transferred to the intermediate unit is missing from Verma. However, Arazi discloses in

Art Unit: 2665

column 5, lines 22-36, a system that notifies multiple neighboring base stations (lines 28-29, "at least one neighboring Base Station") when a handoff is to occur via the central switch, or server. It would have been obvious to one skilled in the art to have the server notify the payment extraction unit when there is a handoff between the access point and intermediate unit. The motivation would be to synchronize the overall handoff process in the system.

Regarding claims 35 and 45, the Intermediate unit is a low power unit is missing from Verma. However, Arazi discloses in column 3, lines 8-11, using very low power units in a Bluetooth mobile communications network. It would have been obvious to one skilled in the art at the time of the invention to use a low power unit. The motivation would be to allow many systems to operate in close vicinity. The third coverage area overlapping both the first and second coverage areas, and when the wireless mobile terminal enters the third coverage area and the wireless mobile terminal initial connection is transferred to the intermediate unit, the intermediate unit notifies the control server of the transfer of the wireless mobile terminal initial connection and the control server notifies the payment extraction unit of the transfer and includes the wireless mobile terminal address is missing from Verma. However, Arazi discloses in figure 1 various overlapping coverage areas, and in column 5, lines 22-36, a system that notifies multiple neighboring base stations (lines 28-29, "at least one neighboring Base Station") when a handoff is to occur via the central switch, or server. It would have been obvious to one skilled in the art to have the server notify the payment extraction unit when there is a handoff between the overlapping coverage areas of the

Art Unit: 2665

access point and intermediate unit. The motivation would be to synchronize the overall handoff process in the system.

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

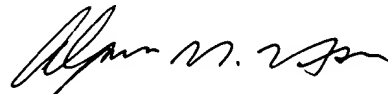
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cynthia L Davis whose telephone number is (571) 272-3117. The examiner can normally be reached on 8:30 to 6, Monday to Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (571) 272-3155. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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3/28/2005

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ALPUS H. HSU
PRIMARY EXAMINER